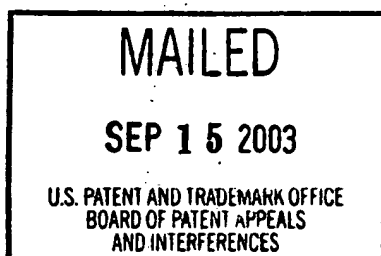


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARALD WERENICZ, THOMAS WITTKOPF,
GERHARD VOSS, PETER REMMERS,
MARK G. KATSAROS, ROBERT G. POLANCE II



Application No. 09/057,406

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 28, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Application No. 09/057,406

On February 13, 2001, appellants, filed two papers: 1) an IDS, and 2) a Declaration made by Dr. Robert Polance, which papers were labeled Paper No. 25. The Declaration filed with the IDS does not seem to have been considered. Appellants however, appear to have refiled the Polance Declaration on July 16, 2001 (Paper No. 32). However, there is still no indication that the declaration has been considered.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1. properly consider the Declaration filed February 13, 2001 and July 16, 2001;
2. notify appellant in writing of such consideration,
3. for such further action as may be appropriate.

Application No. 09/057,406

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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